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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,743	07/21/2003	David T. Hung	12.026011-DIV	4720

38732 7590 09/30/2009  
CYTYC CORPORATION  
Darry Pattinson, Sr. IP Paralegal  
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MARLBOROUGH, MA 01752

EXAMINER
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SANG, HONG

ART UNIT	PAPER NUMBER
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1643

MAIL DATE	DELIVERY MODE
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09/30/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* DAVID T. HUNG

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Application No. 10/622,743  
Technology Center 1600

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Mailed: September 29, 2009

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Before DEBORAH L. PERRY, *Supervisory Paralegal Specialist, Review Team.*

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on September 9, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT AFTER FINAL

A review of the file indicates that on July 27, 2009, Appellant filed an Amended Appeal Brief, which specifically included Amendments to the Claims in response to the Final Rejection mailed November 7, 2006. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed or because box 7 of an Advisory Action fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

CONCLUSION

Accordingly, it is ORDERED

that the application be returned to the Examiner to:

- 1) appropriately respond to the Amendment After Final;
- 2) if appropriate, vacate the Examiner's Answer mailed November 6, 2007; and
- 3) if appropriate issue a new Examiner's Answer. Any Supplemental Examiner's Answer requires the signature of the Group Director or his designee; and
- 4) for such further action as may be appropriate.

Application 10/622,743

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/dw

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